

HOUSE BILL 4103

By Odom

AN ACT to amend Tennessee Code Annotated, §§ 68-11-208 and 68-140-514, relative to administrative hearing costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated §68-11-208 is amended by adding new subsections (c), (d), and (e) as follows:

(c) Notwithstanding any contrary provision of law, the board or administrative law judge may assess the actual and reasonable costs of the investigation, prosecution and hearing of any disciplinary action held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3 and in which any sanctions of any kind are imposed on any person or entity required to be licensed. These costs may include, but are not limited to those incurred and assessed for the time of the prosecuting attorneys, investigators, expert witnesses, administrative law judges and any other persons involved in the investigation, prosecution and hearing of the action.

(d) The board shall promulgate rules and regulations establishing a schedule of costs which may be assessed pursuant to this section, which may be promulgated as public necessity rules.

(e) (1) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.

(2) If the individual or entity disciplined fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.

(3) Jurisdiction for recovery of such costs shall be in the chancery court of

Davidson County.

SECTION 2. Tennessee Code Annotated §68-140-514(a) is amended by adding new subdivisions (4), (5), and (6) as follows:

(4) Notwithstanding any contrary provision of law, the board may assess the actual and reasonable costs of investigation, prosecution and hearing of any disciplinary action held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, and in which sanctions of any kind are imposed on any person or entity required to be licensed by the board. These costs may include, but are not limited to those incurred and assessed for the time of the prosecuting attorneys, investigators, expert witnesses, administrative law judges and any other persons involved in the investigation, prosecution and hearing of the action.

(5) The board shall promulgate rules and regulations establishing a schedule of costs which may be assessed pursuant to this section, which may be promulgated as public necessity rules.

(6) (A) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served on the disciplined individual or disciplined entity.

(B) If the individual or entity disciplined fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.

(C) Jurisdiction for recovery of such costs shall be in the chancery court of Davidson County.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

